

May 31, 2006

DECISION AND ORDER
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: May 31, 2006

Case Numbers: RB272-10057

This decision grants supplemental crude oil refunds. The names of the recipients and the amount of the refunds are listed in the Appendix to this decision.

This supplemental refund decision concerns the crude oil overcharge refund proceeding. Pursuant to the long-standing policy of the Department of Energy (DOE), thousands of purchasers of petroleum products have applied for, and been granted, refunds from crude oil overcharge funds under the jurisdiction of the DOE's Office of Hearings and Appeals (OHA). See Modified Statement of Restitutionary Policy In Crude Oil Cases, 51 Fed. Reg. 27899 (August 4, 1986). The standards for considering Applications for Refund from these crude oil funds are set forth at 10 C.F.R. Part 205, Subpart V. The deadline for applications in the crude oil proceeding was June 30, 1995.

The OHA has approved more than 87,000 crude oil overcharge refund applications. A claimant is generally eligible for a refund equal to the number of gallons of eligible refined petroleum products it purchased during the period August 19, 1973 through January 27, 1981, multiplied by a per gallon refund amount. That per gallon refund amount, also referred to as the volumetric, is derived by dividing the total refund monies available by the total U.S. consumption of petroleum products during the crude oil price control period. Originally, the DOE calculated refunds at a \$0.0002 per gallon volumetric. In 1989, the DOE increased the volumetric to \$0.0008 per gallon, and applicants paid at the lower \$0.0002 per gallon rate were eligible for a \$0.0006 per gallon supplemental payment. See Crude Oil Supplemental Refund Distribution, 18 DOE ¶ 85,878 (1989). In 1995, the DOE increased the volumetric to \$0.0016 per gallon, and applicants paid at the lower \$0.0008 per gallon rate were eligible for a \$0.0008 per gallon supplemental payment.

On January 13, 2006, the DOE announced that applicants paid at the lower \$0.0016 per gallon rate are now eligible for an additional \$0.000695389 per gallon supplemental refund. 71 Fed. Reg. 2195 (January 13, 2006). Refunds are rounded to the nearest dollar.

In order to receive a supplemental refund check, applicants are required to verify that their name and address in our records are correct, to correct any information that is not accurate, and to verify whether the refund cannot be paid to the original applicant for any reason, e.g., due to death, divorce, bankruptcy or dissolution of a business.

This decision approves supplemental refunds for the applicants listed in the Appendix to this decision. For each applicant, the Appendix contains the name, case number, and the amount of the supplemental refund. The decision approves supplemental refunds for 57 applicants, totaling \$1,467,742.00.

It Is Therefore Ordered That:

(1) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller of the Department of Energy shall take appropriate action to disburse the supplemental refunds set forth in the Appendix to this Order.

(2) The funds shall be disbursed from the escrow fund denominated Crude Tracking-Claimants 4, Account No. 999DOE010Z, maintained at the Department of the Treasury.

(3) Applicants shall notify the Office of Hearings and Appeals in the event that there is a change of address, or if an address correction is necessary. Such notification shall be sent to:

Director of Management Information
Office of Hearings and Appeals
Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-0107

(4) Any conditions imposed that applied to an applicant's receipt of the initial crude oil refund shall also apply to that applicant's receipt of this supplemental refund.

(5) The determinations made in this Decision and Order are based upon the presumed validity of the statements and documentary material submitted by the applicants. This Decision and Order may be revoked or modified at any time upon a determination that the basis underlying a refund application is incorrect.

(6) This is a final Order of the Department of Energy.

George B. Breznay
Director
Office of Hearings and Appeals

Date: May 31, 2006

Appendix - Supplemental Refund Case No. RB272-10057

Case No.	Firm	Volume	Refund
RA272-00025	CHS Inc.	3,891,702	\$2,706.00
RF272-14327	ERNEST R. TUCKER	845,751	\$588.00
RF272-21156	WKW CONSTRUCTION, INC.	8,608,336	\$5,986.00
RF272-22913	HERSHEY FOODS CORP. & SUBS.	57,246,511	\$39,809.00
RF272-23167	PEPSI-COLA BOTTLING CO.	446,168	\$310.00
RF272-23250	ALTICOR INC.	13,413,072	\$9,327.00
RF272-24475	FARMINGDALE PUBLIC SCHOOLS	6,224,561	\$4,328.00
RF272-24523	County of Nassau	13,203,199	\$9,181.00
RF272-31646	PIER 1 IMPORTS, INC.	8,629,875	\$6,001.00
RF272-31673	CRAIG BLACKTOP & PAVING	5,487,069	\$3,816.00
RF272-31698	DETROIT PUBLIC SCHOOLS	7,076,642	\$4,921.00
RF272-31961	BRACEWELL & GRANT TIMBER INC.	1,390,586	\$967.00
RF272-43784	GENE STUEVE	252,820	\$176.00
RF272-44346	TRELAWNY FARMS CO.	403,837	\$281.00
RF272-44347	MILOYD J. DOLEZAL	163,889	\$114.00
RF272-44348	WESTERN STEEL & SUPPLY INC.	322,043	\$224.00
RF272-45161	CHS Inc.	8,123,425	\$5,649.00
RF272-49880	BAKER GREENHOUSES INC.	6,291,300	\$4,375.00
RF272-52629	CHS Inc.	11,680,436	\$8,122.00
RF272-58420	C.R. CHANEY TRUCKING CO.	529,589	\$368.00
RF272-59018	M. LEVENSON CO., INC.	7,913,512	\$5,503.00
RF272-60446	CHS Inc.	12,717,143	\$8,843.00
RF272-60683	CHS Inc.	12,233,961	\$8,507.00
RF272-60921	CHS Inc.	4,617,771	\$3,211.00
RF272-65290	CHS Inc.	17,504,621	\$12,173.00
RF272-69250	CHS Inc.	28,610,080	\$19,895.00
RF272-75630	CHS Inc.	7,273,259	\$5,058.00
RF272-75631	CHS Inc.	10,972,312	\$7,630.00
RF272-88807	CHS Inc.	7,483,924	\$5,204.00
RF272-89352	WHITE RIVER BITUMINOUS	6,792,714	\$4,724.00
RF272-89995	BROWNFIELD FARMERS CO-OP STA.	27,790,678	\$19,325.00
RF272-90908	FARMERS COOP GRAIN CO.	11,287,671	\$7,849.00
RF272-91433	RUBICON, INC.	93,742,000	\$65,187.00
RF272-91444	S.E. COOPERATIVE SERVICE CO.	27,930,253	\$19,422.00
RF272-91926	CHS Inc.	13,165,753	\$9,155.00
RF272-92615	EDWARD LEVY CO.	17,217,862	\$11,973.00
RF272-92616	EAGLE TRUCKING CO.	1,745,072	\$1,214.00
RF272-94779	CHS Inc.	12,337,804	\$8,580.00
RG272-00199	NASSAU OIL	4,443,504	\$3,090.00
RG272-00254	CHS Inc.	16,586,806	\$11,534.00
RG272-00702	CHS Inc.	413,262	\$287.00
RG272-01090	CHS Inc.	10,006,737	\$6,959.00
RG272-01091	CHS Inc.	4,203,633	\$2,923.00
RG272-01096	FAC ACQUISITION, LLC	9,390,188	\$6,530.00
RK272-00206	CHS Inc.	16,486,012	\$11,464.00
RK272-01098	R.L. WHITE DISSOLUTION TRUST	45,595,900	\$31,707.00
RK272-02072	CHEROKEE SANFORD GROUP, INC.	7,184,044	\$4,996.00
RK272-02685	W.C. CROFT	340,773	\$237.00
RK272-02795	CHS Inc.	16,325,345	\$11,352.00
RK272-03217	NORTH PACIFIC LUMBER CO.	5,893,680	\$4,098.00
RK272-03382	L & W TRANSPORT	2,920,295	\$2,031.00
RK272-03465	CREAMERIES BLENDING, INC.	8,466,018	\$5,887.00
RK272-03566	SBC Communications	125,999,395	\$87,619.00
RK272-03618	KENDI ENTERPRISES, INC.	2,524,508	\$1,756.00
RK272-03916	U.S. WEST COMMUNICATIONS INC.	57,063,142	\$39,681.00

RK272-05110	RMC Mid-Atlantic, LLC	405,807	\$282.00
RR272-00098	Alcoa Inc.	1,300,864,318	\$904,607.00
Totals	57 Applicants	2,110,680,568	\$1,467,742.00